IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2808 OF 2006.

Vishal Ramchadnra Dhavale ... Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. J.B. Kotecha for the applicant.
Mr. P.S. Hingorani, A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI, J.
DATE : 21ST AUGUST, 2006.

P.C.

. Heard Mr. Kotecha appearing for the applicant and Mr. Hingorani, A.P.P. appearing for respondent.

2. The applicant is arrested in Cr.No. 119 of 2006 registered at Yerawada Police Station, Pune for the offences punishable under Sections 302, 394 r/w 34 of Indian Penal Code.

3. The applicant’s application filed for release on bail after charge-sheet has been rejected principally on the ground that even if there is no weapon recovered, the applicant cannot be released on bail because the eye witnesses to the incident are lady members of the family of the deceased. They include his wife and his niece. The female members are likely to be harassed and

threatened, if the applicant is released on bail. In the light of this pressure, afree and fair trial cannot be ensured.

4. After hearing both the sides, although I am satisfied that the offence is serious but same having occurred at a public toilet after there was heated exchanges on account of the Deceased not allowing use thereofso also there being no recovery, the applicant cannot be denied bail. The trial Court having found substance in the contentions of the applicant’s Advocate denial bail principally on the ground that the family of the deceased would be pressurised by him, upon release on bail. The trial Court could have ensured that this does not occur by imposing strict and stringent conditions. In such circumstances and after perusing the materials, although the charge is serious, the applicant deserves bail. In the facts and circumstances of this case, when no material is pointed out to show that if the applicant is enlarged on bail he would not be available at the trial, tThe following order would meet the ends of justice:-

i) The applicant arrested in connection with CR.No.

119 of 2006 registered with Yerawada Police Station, Pune shall be enlarged on bail subject to furnishing a personal bond of Rs. 15,000/- with one or two local sureties in the like amount.

ii) The applicant shall not enter the limits of Yerwada Police Station, Pune. The applicant after release to report at the nearest police station once in a fortnight till the conclusion of the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details along with proof about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of the trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)

zA